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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 29th September, 2026

Uploaded on: 5th October, 2026

CNR No. DLHC010471152026

+ **W.P.(C) 14472/2026, CM APPL. 67887/2026 & CM APPL. 67888/2026**

YASHODA RANI

.....Petitioner

Through: Mr. Kirti Uppal, Sr. Advocate with
Ms. Kiran Kalra Uppal, Ms. Shaini
Bhardwaj, Mr. Vedic Thukral, Mr.
Avichal Mishra, Ms. Rukhsar Khan,
Mr. Pratham Diwakar, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL & ORS. Respondents

Through: Mr. Sriharsha Peechara, Standing
Counsel for NDMC Mr. Aditya Bharat
Manubarwala, ASC, Mr. Soumit
Ganguli, Ms Ravicha Sharma, Mr.
Akash Sharma, Ms Tanishka Grover,
Ms. Charvi Virmani and Ms. Shaila
Arora, Advocates for NDMC
Ms. Vaishali Gupta, Panel Counsel
(Civil) GNCTD, Ms. Aanchal Rajput,
Advocates for R-3

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking directions to the New Delhi Municipal Council (*hereinafter*, 'NDMC') and the Town Vending Committee (*hereinafter*, 'TVC') to include the Petitioner's name in the survey carried out



by the NDMC as also to verify the Petitioner's claim in respect of Mochi *thara* being MT-09, near Rivoli Cinema, Connaught Place, New Delhi, measuring 3x3 ft (*hereinafter*, 'subject site').

3. The brief background of the Petitioner's case is that, the Petitioner's father-in-law – late Shri. Ram Prasad is stated to have been allotted the subject site, and was rendering shoe-shining services from the said site. However, he passed away in 2006.

4. Upon the demise of the Petitioner's father-in-law, the subject site was transferred in favour of Petitioner's husband *vide* order dated 27th July, 2010, issued by the NDMC.

5. However, the Petitioner's husband – late Shri. Raju also passed away on 14th March, 2012.

6. Thereafter, the Petitioner applied for transfer of the subject site in her favour, and the same was accepted. The NDMC has also issued a list of 'Mochi *thara*' holders. The Petitioner's name finds mention at serial No. 29 of the said list.

7. Further, it is also stated that the transfer of the subject site in favour of the Petitioner was confirmed *vide* order dated 17th January, 2014 issued by the NDMC, and the Petitioner was carrying on her vending activities therefrom.

8. It is also the case of the Petitioner that on 16th September, 2026 as also on 17th September, 2026, certain officials of the NDMC visited the subject site, and restrained the Petitioner from carrying on the vending activities as a ready-made garments vendor.

9. The grievance of the Petitioner is that, despite the transfer of the subject site in her name, the name of the Petitioner is not being reflected in the official



records, and the formal recognition of the transfer of the trade name from shoe-shining activity to ready-made garments activity has also not been carried out. Hence, the present petition, praying that the Petitioner may be included in the survey/clarification being carried out by the NDMC, as also that her claim in respect of the subject site be verified.

10. The Petitioner has submitted a detailed representation dated 18th September, 2026 to NDMC, for her inclusion in the ongoing survey of the old *tehbazari* holders.

11. Mr. Kirti Uppal, Id. Senior Counsel appearing for the Petitioner submits that in terms of the circular dated 16th August, 2016, bearing **No. D-1043/SO(Estate-I)/2016**, when there is change from non-license trade to non-licence trade activities, the same does not require any specific permission. In this regard, reliance is placed upon Clause 4 (iii) of the said circular. The said Clause is extracted below:

“Clause 4. Change of Trade

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(iii) For (a) change from ‘licence trade’ to ‘non-licence trade which is not in the negative list’, or (b) change from ‘non-licence trade’ to ‘non-licence trade which is not in the negative list’, or (c) grouping of non-licence trades which are not in the negative list, permission from NDMC will not be required, and an intimation, without any fee/increase in licence fee, to the Director Estate, NDMC shall be sufficient for the same.”

12. Id. Counsel for the NDMC submits that the survey in the area near the subject site was conducted from 27th July, 2026 to 10th September, 2026, and the said survey has already been completed. However, the Petitioner does not appear to have participated in the said survey.



13. Heard. The photographs which have been placed on record by the Petitioner are extracted below:-



14. A perusal of the photographs placed on record by the Petitioner would reveal the following:

- (i) That the Petitioner appears to be running a ready-made garments vend;
- (ii) That the size of the vend appears to be much larger than the licensed space allotted to the Petitioner, i.e., 3×3 ;

15. There is also a recent *challan* of 2026 issued in the name of the



Petitioner, which has been placed on record which would show that the Petitioner's name ought to have been included in the survey. It is unclear as to why the same was not done. The Petitioner ought to have participated in the survey conducted by the NDMC, and there is no clarity as to why she did not participate in the said survey.

16. Under such circumstances, considering that the survey has already been completed and Petitioner has given a representation, it is directed that the NDMC shall consider the representation of the Petitioner dated 18th September, 2026.

17. In the event that all the documents are found to be genuine, Petitioner's name shall be added in the survey list.

18. For the said purpose, the Petitioner shall appear before the Joint Director on **7th October, 2026 at 2:30 pm.**

19. Subject to the above, the Petitioner shall be permitted to vend strictly in accordance to the terms and conditions of the vending, including that the size of the Petitioner's vend shall not be more than the allotted size *i.e.*, 3'x3'.

20. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**DINESH BHATT
JUDGE**

SEPTEMBER 29, 2026 'rs'/sm